IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 5967 of 2006(I)

PETITIONER:

KARTHYAYINI JANAKI,
W/O.KOCHUKUTTY KUMARAN, AGED 66,
NEDUVELI HOUSE, PATTANAKKAD P.O.
CHERTHALA.

BY ADV. SRI.J.OM PRAKASH.

RESPONDENTS:
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1. **THE UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI.**

2. **THE STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, GENERAL ADMINISTRATION DEPARTMENT, THIRUVANANTHAPURAM.**

BY ADV. SRI.NOUSHAD THOTTATHIL, ADDL.CGSC C.G.C FOR R1,
GOVERNMENT PLEADER SRI.V.T.K. MOHANAN FOR R2.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, ALONG WITH W.P.(C). NO. 19354 OF 2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5967/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE EXTRACT OF THE REGISTER OF UNDER TRIAL PRISONERS, RELATING TO SRI. KUTTY KUMARAN, ISSUED BY THE SUPERINTENDANT, CENTRAL PRISON, TRIVANDRUM DTD. NIL.

EXT.P.2: COPY OF THE CERTIFICATE ISSUED BY THE SUPERINTENDENT, SPECIAL SUB JAIL, ALAPPUZHA DTD. 17/08/2001.

EXT.P.3: COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR, ALAPPUZHA DTD. 10/05/1972.

EXT.P.4: COPY OF THE CO-PRISIONER CERTIFICATE ISSUED BY SRI. P.A. SOLOMON EX. M.P. DTD. 21/3/2005.

EXT.P.5: COPY OF THE LETTER OF THE DISTRICT COLLECTOR, ALAPPUZHA DTD. 04/08/73.

EXT.P.6: COPY OF THE APPLICATION AND ORDER IN P.E. 8/123 OF THE C.J.M. COURT, ALAPPUZHA.

EXT.P.7: COPY OF THE REPRESENTATION OF THE PETITIONER DTD. 29/03/2005.

EXT.P.8: COPY OF THE LETTER OF THE DISTRICT COLLECTOR, ALAPPUZHA DTD. 28/12/2005.

EXT.P.9: COPY OF THE REPLY OF THE PETITIONER DTD. 06/02/2006.

EXT.P.10: COPY OF THE ORDER OF THE R.2. DTD. 07/02/2006.

EXT.P.11: COPY OF THE REPORT OF THE TAHSILDAR, SHERTALLAI DTD. NIL.

EXT.P.12: COPY OF THE APPLICATION AND ORDER OF THE C.J.M. COURT, ALAPPUZHA IN P.E. NO. 7/112 M.E. DTD. 09/07/74.

RESPONDENT'S EXHIBIT:

EXT.R1: COPY OF THE ORDER NO. 52/CC/K/20/2006 FF (SZ) DTD. 17/05/2006 ISSUED BY THE R.1.

//TRUE COPY//

prv.

T.R.RAMACHANDRAN NAIR, J.

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WP(C).Nos. 5967 & 19354 of 2006.
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Dated this the 24th day of August, 2007.

J U D G M E N T

In WP(C).No.5967/2006 the petitioner is aggrieved by the refusal of the State Government to recommend her case for sanction of Swathanthrata Sainik Samman pension by Ext.P10. Subsequently the Government of India had rejected the application which is under challenge in WP(C). No.19354/2006. By consent of the parties, these writ petitions are disposed of by this common judgment. Ext.R1 is the order rejecting the application by the Central Government.

2. The main reason for not recommending the case of the petitioner is that the period of imprisonment of the petitioner's husband is less than four months and going by the scheme a minimum period of six months is necessary.

3. The learned counsel for the petitioner points out that Ext.P11 is a report of the Tahsildar, Cherthala which was forwarded to the State Government when the application for Kerala Freedom Fighters Pension was considered. Therein the period of detention is shown as 1 ½ years. Relying upon the same the learned counsel submits that in the light of the said document the stand taken in Ext.P10 cannot be sustained. Any way the said

document was not available when Ext.P10 order was passed. Therefore, it is upto the petitioner to produce it before the State Government and request for a re-examination of the whole issue. If the petitioner produces Ext.P11 or any other document she wants to rely upon before the 2nd respondent within six weeks from today, the State Government shall re-examine the same and forward the verification-cum-entitlement report to the Central Government expeditiously, at any rate within a period of two months thereof. On the basis of the same, the first respondent shall reconsider the issue and if the applicant is found eligible, appropriate orders shall be passed sanctioning pension within a further period of three months from the date of receipt of records from the State Government.

Therefore, the writ petitions are disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-